

+ Feingold

AMENDMENT NO. \_\_\_\_

Calendar No. \_\_\_\_

Purpose: To express the sense of the Senate on antitrust enforcement by the Department of Justice and Federal Trade Commission regarding agriculture mergers and anticompetitive activity.

IN THE SENATE OF THE UNITED STATES—106th Cong., 2d Sess.

S. CON. RES. \_\_\_\_

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. GRASSLEY *and Mr. Conrad*

Viz:

1 At the end of title III, insert the following new sec-  
2 tion:

3 SEC. \_\_\_\_ SENSE OF THE SENATE ON ANTITRUST ENFORCE-  
4 MENT BY THE DEPARTMENT OF JUSTICE AND  
5 FEDERAL TRADE COMMISSION REGARDING  
6 AGRICULTURE MERGERS AND ANTICOMPETI-  
7 TIVE ACTIVITY.

8 (a) FINDINGS.—Congress finds that—

9 (1) the Antitrust Division of the Department of  
10 Justice is charged with the civil and criminal en-  
11 forcement of the antitrust laws, including the review

1 of corporate mergers likely to reduce competition in  
2 particular markets, with a goal of protecting the  
3 competitive process;

4 (2) the Bureau of Competition of the Federal  
5 Trade Commission is also charged with enforcement  
6 of the antitrust laws, including the review of cor-  
7 porate mergers likely to reduce competition;

8 (3) the Antitrust Division and the Bureau of  
9 Competition are also responsible for the prosecution  
10 of companies and individuals who engage in anti-  
11 competitive behavior and unfair trade practices;

12 (4) the number of merger filings under the  
13 Hart-Scott-Rodino Antitrust Improvements Act of  
14 1976, which the Department of Justice, in conjunc-  
15 tion with the Federal Trade Commission, is required  
16 to review, has increased significantly in fiscal years  
17 1998 and 1999;

18 (5) large agri-businesses have constituted part  
19 of this trend in mergers and acquisitions;

20 (6) farmers and small agricultural producers  
21 are experiencing one of the worst periods of eco-  
22 nomic downturn in years;

23 (7) farmers currently get less than a quarter of  
24 every retail food dollar, down from nearly half of  
25 every retail food dollar in 1952;

1           (8) the top 4 beef packers presently control 80  
2           percent of the market, the top 4 pork producers con-  
3           trol 57 percent of the market, and the largest sheep  
4           processors and poultry processors control 73 percent  
5           and 55 percent of the market, respectively;

6           (9) the 4 largest grain processing companies  
7           presently account for approximately 62 percent of  
8           the Nation's flour milling, and the 4 largest firms  
9           control approximately 75 percent of the wet corn  
10          milling and soybean crushing industry;

11          (10) farmers and small, independent producers  
12          are concerned about the substantial increase in con-  
13          centration in the agriculture industry and signifi-  
14          cantly diminished opportunities in the marketplace;  
15          and

16          (11) farmers and small, independent producers  
17          are also concerned about possible anticompetitive be-  
18          havior and unfair business practices in the agri-  
19          culture industry.

20          (b) SENSE OF THE SENATE.—It is the sense of the  
21          Senate that the levels in this resolution assume that—

22                (1) the Antitrust Division and the Bureau of  
23          Competition will have adequate resources to enable  
24          them to meet their statutory requirements, including  
25          those related to reviewing increasingly numerous and

1 complex mergers and investigating and prosecuting  
2 anticompetitive business activity; and

3 (2) these departments will—

4 (A) dedicate considerable resources to mat-  
5 ters and transactions dealing with agri-business  
6 antitrust and competition; and

7 (B) ensure that all vertical and horizontal  
8 mergers implicating agriculture and all com-  
9 plaints regarding possible anticompetitive busi-  
10 ness practices in the agriculture industry will  
11 receive extraordinary scrutiny.

VOTE ON: \_\_\_\_\_

DATE: \_\_\_\_\_

YEA

NAY

*by voice vote*

GRASSLEY

NICKLES

GRAMM

BOND

GORTON

GREGG

MS SNOWE

ABRAHAM

ERIST

GRAMS

SMITH

LAUTENBERG

HOLLINGS

CONRAD

SARBANES

Mrs BOXER

Mrs MURRAY

WYDEN

FEINGOLD

JOHNSON

DURBIN

CHAIRMAN